

RCE

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1651  
7/12/04  
SPW

Request For Continued Examination (RCE)		Application Number	09/202,791
Transmitted		Filing Date	Int'l Filing Date June 26, 1997
Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		First Named Inventor	Kouji MATSUSHIMA
		Art Unit	1651
		Examiner Name	D. Ware
		Attorney Docket No.	350292000500

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

<p>1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p> <p>a. <input checked="" type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p>i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p>ii. <input checked="" type="checkbox"/> Other <u>Amendment after final Office Action dated June 18, 2003</u></p> <p>b. <input checked="" type="checkbox"/> Enclosed</p> <p>i. <input checked="" type="checkbox"/> Amendment/Reply (11 pgs)      iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) (3 pgs)</p> <p>ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)      iv. <input type="checkbox"/> Other <u>Pétition for Extension of Time (1 pg); Fee Transmittal (1 pg + Duplicate); Request to Withdraw a Holding of an Improper Abandonment + Exhibit A (4 pgs); PTO Form 1449 (1 pg + Duplicate); 6 References; Return Postcard</u></p>			
<p>2. Miscellaneous</p> <p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)</p> <p>b. <input type="checkbox"/> Other _____</p>			
<p>3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p>a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. <u>03-1952</u></p> <p>i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)</p> <p>ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)</p> <p>iii. <input type="checkbox"/> Other _____</p> <p>b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed</p> <p>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</p>			

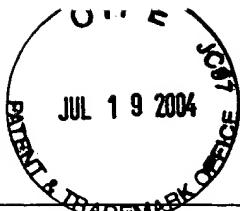
#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bruce D. Grant	Registration No. (Attorney/Agent)	47,608
Signature			Date
	Customer Number 25225		July 14, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 15, 2004

Signature: (Cecilia Huerta)



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 15, 2004

Signature: Cecilia H. Huerta  
(Cecilia H. Huerta)

Docket No.: 350292000500  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kouji MATSUSHIMA and Kenji YOKOI

Application No.: 09/202,791

Art Unit: 1651

Int'l Filing Date: June 26, 1997

Examiner: D. Ware

For: THERAPEUTIC AGENT FOR ACUTE LUNG  
INJURY RESULTING FROM INDIRECT  
CAUSES COMPRISING ANTI-IL-8  
ANTIBODY AS ACTIVE INGREDIENT

### **RESPONSE TO OFFICE ACTION PURSUANT TO 37CFR § 1.114**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is filed concurrently with a Request for Continued Prosecution (RCE), and is in response to an Advisory Action dated January 29, 2004, a final Office Action herein mailed June 18, 2003, and a response to the final Office Action and a Notice of Appeal herein filed December 18, 2003. A petition for an extension of time of five (5) months which extends the time for response until at least July 18, 2004, is attached herewith along with the required fee. Pending claims 16-29 and 31-44 were rejected in the final Office Action. Careful consideration has been given to the grounds for rejection and the following remarks are offered in response. Reconsideration is respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.